

ELLIOTT v FORD

Exhibit Index: Ford's Motion to Reduce Deposition Fee of Dr. Rizzo

- A. Plaintiff's Eighth Supplemental Disclosure Statement
- B. Letter to Brian Rizzo, M.D. dated March 2, 2006
- C. Rizzo's Notice of Deposition
- D. Letter from Karen Rizzo dated March 8, 2006
- E. Letter to G. Lynn Shumway from Iman R. Soliman dated March 9, 2006
- F. Letter to G. Lynn Shumway from Carmen Cassler dated February 7, 2006. (This letter should indicate the correct date as March 7, 2006.)
- G. Letter to Carmen Cassler from Tracy Stack dated April 19, 2006.

EXHIBIT A

1 G. Lynn Shumway (011714)
2 LAW OFFICE OF G. LYNN SHUMWAY
3 6909 E. Greenway Pkwy., Suite 200
4 Scottsdale, Arizona 85254
5 Telephone : (480) 368-0002
6 Facsimile : (480) 315-8044

7 *Attorney for Plaintiff*

8 **In the United States District Court**
9 **IN AND FOR THE DISTRICT OF ARIZONA**

10 ★★★★★

11 **Karen Elliott, an individual ,**

12 **Plaintiffs,**

13 **vs.**

14 **Ford Motor Company, a Delaware**
15 **corporation; TRW Automotive Holdings**
16 **Corp., a Delaware corporation; TRW**
17 **Vehicle Safety Systems, Inc., a Delaware**
18 **corporation; and Autoliv ASP, Inc., an**
19 **Indiana corporation.**

20 **Defendants.**

No. CV 04-0902 PHX VAM

**PLAINTIFF'S EIGHTH
SUPPLEMENTAL DISCLOSURE
STATEMENT**

21 Plaintiff Karen Elliott, by and through counsel, hereby supplements her previously
22 filed disclosure statement pursuant to Federal Rule of Civil Procedure 26. Due to the
23 infancy of the present litigation, Plaintiff shall supplement her disclosures as additional
24 information becomes available.

25 **I. Knowledgeable Persons**

26 9. Steven H. Wiener, M.D., previously disclosed in Plaintiff's Initial Disclosure
27 Statement, will be called to testify about the nose fracture that he saw at the hospital and
28

LAW OFFICE OF G. LYNN SHUMWAY

6909 E. Greenway Pkwy., Suite 200

Scottsdale, Arizona 85254

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1 the subsequent surgery that he performed in which he re-broke and repaired Ms. Elliott's
2 broken nose.

3 18. The following Custodian of Records will testify as to the reasonable and
4 necessary medical expenses incurred for treatment rendered to Plaintiff for injuries
5 sustained in the subject accident, and authenticity of the medical records and bills for
6 admission into evidence:
7

8 (q) John C. Lincoln Hospital Deer Valley
9 19829 N. 27th Avenue
10 Phoenix, Arizona 85027-4001

11 (r) American Sleep Diagnostics
12 13203 N. 103rd Ave., Suite I11 100-997
13 Sun City, Arizona 85351 - 6016

14 (s) Jason Reinhart, D.O.
15 5310 W. Thunderbird Rd., #215
16 Glendale, Arizona 85306

17 (t) Brian Rizzo, M.D.
18 3201 W. Peoria Ave., #A-105
19 Phoenix, Arizona 85029

20 (u) Arizona Ophthalmic Outpatient Surgery
21 300 E. Osborn, #102
22 Phoenix, Arizona 85012

23 (r) Richard Gomez, M.D.
24 7010 E. Acoma Dr., #101
25 Scottsdale Arizona 85254-2702

26 19. Brian Rizzo, M.D.
27 3201 W. Peoria Ave., #A-105
28 Phoenix, Arizona 85029

Dr. Rizzo is expected to testify about the current condition of Ms. Elliott's
nose and related structures that were injured in the subject airbag deployment incident and

1 the treatment that he thinks is reasonably necessary to repair continuing medical issues that
2 are the result of Ms. Elliott's airbag induced nose/facial fractures.

3 20. Linda N. Dinkel, M.D.
4 BenOra Imaging
5 2601 N. Third St., #304
6 Phoenix, Arizona 85004-1193
(602) 234-2601

7 It is anticipated that Dr. Dinkel will testify about Ms. Elliott's pre-accident
8 imaging studies compared to post-accident breast imaging studies to show that Ms.
9 Elliott's breast cysts were proximately caused by the airbag deployment that is the subject
10 of *Elliott v. Ford*. Dr. Dinkel is also expected to testify about the imaging studies done at
11 the Ben-Ora, Hansen & Vanesian Imaging on October 29, 1999 and at the BenOra Imaging
12 on August 9, 2001 prior to the accident and compare those studies to the studies and
13 findings from imaging studies done at BenOra Imaging on October 8, 2002, March 28,
14 2003, November 17, 2004 and October 17, 2005. Dr. Dinkel's testimony is expected to
15 be consistent with the notes and reports from the exam reports and notes from the BenOra
16 Imaging records. Dr. Dinkel is also expected to express the opinions reflected in the Ben-
17 Ora reports including the opinion that oil cysts in Ms. Elliott's breasts were traumatically
18 induced by the airbag deployment event that is the subject of this lawsuit.
19

20 21. Physicians at John C. Lincoln Hospital Deer Valley, identities to be revealed
21 as soon as records are obtained, 19829 N. 27th Ave., Phoenix, Arizona 85027-4001, who
22 treated Ms. Elliott during her hospitalization of February 9-18, 2005.

23 22. James L. Gross, D.O.
24 American Sleep Diagnostics LLC
25 13203 N. 103rd Ave., #111 100-997
Sun City, AZ 85351 - 6016

26 Dr. Gross will testify as to the sleep study he did of Ms. Elliott on March 10, 2005,
27 and the results thereof.
28

23. Jason Reinhart, D.O.
5310 W. Thunderbird Rd., #215
Glendale, Arizona 85306

Dr. Reinhart will testify as to the treatment he rendered to Ms. Elliott.

II. Relevant Physical Evidence

17. Medical bills of the following medical providers:

- (q) John C. Lincoln Deer Valley
- (r) American Sleep Diagnostics
- (s) Jason Reinhart, D.O.
- (t) Brian Rizzo, M.D.
- (u) BenOra Imaging, for the mammogram/ultrasound of 10/17/05
- (v) Arizona Ophthalmic Outpatient Surgery
- (w) Richard Gomez, M.D.

The above-referenced medical bills will be supplemented immediately upon receipt.

29. Medical records of John C. Lincoln Hospital Deer Valley for treatment rendered to Ms. Elliott for the admission of February 9-18, 2005 (*to be supplemented upon receipt*).

30. Medical records of Sleep Diagnostics for the sleep study performed on Ms. Elliott on March 10, 2005 (*attached hereto*).

31. Medical records of Jason Reinhart, D.O. for treatment rendered to Ms. Elliott (*to be supplemented upon receipt*).


32. Medical records of Brian Rizzo, M.D. for treatment rendered to Ms. Elliott (*to be supplemented upon receipt*).

33. Medical records/x-ray films of the mammogram and ultrasound performed on Ms. Elliott by BenOra Imaging on October 17, 2005 (*attached hereto*).

34. Medical records of Arizona Ophthalmic Outpatient Surgery for the surgery performed on Ms. Elliott on November 28, 2005 (*to be supplemented upon receipt*).


1 DATED this 6th day of March, 2006.

2 LAW OFFICE OF G. LYNN SHUMWAY

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4
5 
6 G. Lynn Shumway
7 6909 E. Greenway Parkway, #200
8 Scottsdale, Arizona 85254
9 *Attorney for Plaintiff*

10 ORIGINAL of the foregoing mailed
11 This 6th day of March, 2006, to:

12 Barry C. Toone
13 Jill S. Goldsmith
14 Iman R. Soliman
15 Bowman and Brooke LLP
16 2901 N. Central Ave., #1600
17 Phoenix, Arizona 85012-2761
18 *Attorneys for Defendant Ford Motor Company*

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LAW OFFICE OF G. LYNN SHUMWAY

6909 E. Greenway Pkwy., Suite 200

Scottsdale, Arizona 85254

Telephone: (480) 368-0002 ♦ FAX: (480) 315-8044

EXHIBIT B

Bowman and Brooke LLP

2901 North Central Avenue, Suite 1600
Phoenix, AZ 85012
Phone: 602.643.2300
Fax: 602.248.0947
www.bowmanandbrooke.com

Carmen C. Cassler
Direct: 602.643.2326
Email: carmen.cassler@bowmanandbrooke.com

**Via Facsimile (602-843-4846)
and Regular Mail**

March 2, 2006

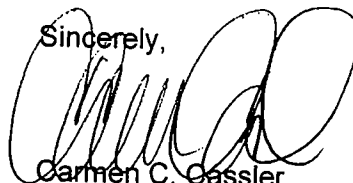
Brian Rizzo, M.D.
3201 W. Peoria Avenue, Suite A-105
Phoenix, Arizona 85029

**Re: Elliott v. Ford Motor Company
LMMS#497798**

Dear Dr. Rizzo:

We have made several attempts to schedule a deposition regarding your patient Karen Elliott. If you do not contact us via telephone within 5 days, we will go ahead and schedule your deposition at a time that is more convenient for us. Please contact me or Iman Soliman at 602-643-2316. Thank you for your understanding regarding the scheduling of your deposition.

Sincerely,



Carmen C. Cassler
Paralegal

CCC/bfy

EXHIBIT C

Barry C. Toone (Bar No. 018664)
Jill S. Goldsmith (Bar No. 011500)
Iman R. Soliman (Bar No. 021333)
BOWMAN AND BROOKE LLP
Suite 1600, Phoenix Plaza
2901 North Central Avenue
Phoenix, Arizona 85012-2761
(602) 643-2300
barry.toone@phx.bowmanandbrooke.com
jill.goldsmith@phx.bowmanandbrooke.com
iman.soliman@phx.bowmanandbrooke.com

Attorneys for Defendant Ford Motor Company

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Karen Elliott, an individual,
Plaintiff,

v.

Ford Motor Company, a Delaware
Corporation, TRW Automotive Holdings
Corp., a Delaware Corporation; and Autoliv
Inc., a foreign corporation,
Defendants.

No. CV 2004 0902 PHX SRB

NOTICE OF DEPOSITION

(Honorable Susan R. Bolton)

YOU ARE HEREBY NOTIFIED that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, the deposition of the person whose name and address is stated below will be taken upon oral examination at the time and place stated below before an officer authorized by law to administer oaths:

PERSON TO BE EXAMINED: Brian S. Rizzo, D.O.
3201 W. Peoria Avenue
Suite A-105
Phoenix, Arizona 85029

YOU ARE COMMANDED to appear and give testimony at the time and place specified below:

...

1 **BEFORE WHOM APPEARANCE TO BE MADE:** A person duly authorized to
2 administer oaths.

3 **DATE & TIME OF DEPOSITION:** April 10, 2006 at 5:30 p.m.

4 **PLACE OF DEPOSITION:** 3201 W. Peoria Avenue
5 Suite A-105
6 Phoenix, Arizona 85029

7 Such deposition will continue from day to day until completed.

8 DATED this 13th day of March, 2006.

9 BOWMAN AND BROOKE LLP

10
11
12 s/ Iman R. Soliman
13 Barry C. Toone
14 Jill S. Goldsmith
15 Iman R. Soliman
16 Suite 1600, Phoenix Plaza
17 2901 North Central Avenue
18 Phoenix, Arizona 85012-2761
19 Attorneys for Defendant
20 Ford Motor Company
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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of March, 2006 I caused the attached document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

G. Lynn Shumway, Esq.
Law Offices of G. Lynn Shumway
6909 E. Greenway, Ste. 200
Scottsdale, Arizona 85254
Attorneys for Plaintiff

With a copy of the attached being served by First Class Mail on the following, who are not registered participants of the CM/ECF System:

Esquire Deposition Services
2929 North Central Ave., Ste. 1680
Phoenix, AZ 85012

Brian S. Rizzo, D.O.
3201 W. Peoria Avenue, Ste. A-105
Phoenix, AZ 85029

s/ Kelly Brubaker

EXHIBIT D



**WEST
VALLEY**
EAR, NOSE AND THROAT, P.C.

Brian S. Rizzo, D.O.
Board Certified Otolaryngologist

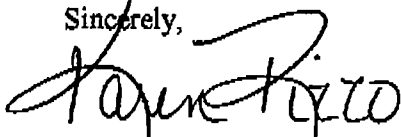
March 8, 2006

RE: Karen Elliott

To Whom It May Concern:

Dr. Brian Rizzo, D.O. is doing a deposition for the above named Patient on, Monday, April 10, 2006 at 5:30 p.m. It will be conducted at his office, located at 3201 West Peoria Avenue, Metro Medical Plaza in Phoenix. His fees are \$1200 per hour. This may be paid prior, or if time is an issue, at the time of the deposition. If paid prior, please mail to: Dr. Brian Rizzo, D.O., 24220 North 62nd Drive, Glendale, AZ 85310.

Sincerely,



Karen Rizzo, Supervisor

602.843.4844
602.843.4846 Fax

3201 W. Peoria Ave.
Suite A-105
Phoenix, AZ 85029

EXHIBIT E



2901 North Central Avenue, Suite 1800
Phoenix, AZ 85012
Phone: 602.643.2300
Fax: 602.248.0947
www.bowmanandbrooke.com

Iman R. Soliman
Direct: 602.643.2316
Email: iman.soliman@bowmanandbrooke.com

March 9, 2006

VIA FACSIMILE AND U.S. MAIL

G. Lynn Shumway, Esq.
Law Office of G. Lynn Shumway
6909 E. Greenway, Ste. 200
Scottsdale, Arizona 85254

Re: Elliott v. Ford Motor Company, et al.

Dear Mr. Shumway:

Pursuant to our telephone conversation, I informed you that we are not available on April 3, 6, or 7 to depose Geoff Mahon. Please provide us with other dates. We are also still waiting for deposition dates for your other experts.

This letter will also confirm our agreement to depose other care providers and fact witnesses, including those that are included in the records that we received from The Vakula Law Firm, for a period of six (6) months after the current discovery deadline of March 28, 2006. These depositions will include your request for 30(b)(6) deposition.

This will also confirm that you are not willing to split Dr. Rizzo's deposition fee of \$1,200 per hour because you claim that you do not need his deposition testimony but you intend on calling him as a witness in trial.

This letter also confirms your agreement that we can continue to disclose documents for a period of six (6) months after the discovery deadline of March 28, 2006.

If I have misunderstood our conversation, please inform me immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Iman R. Soliman', is written over a horizontal line. The signature is fluid and cursive.

Iman R. Soliman

IRS/kjb

::ODMA\PCDOCS\PHX\276661\1

EXHIBIT F

Bowman and Brooke LLP

2401 North Central Avenue, Suite 1600
Phoenix, AZ 85012
Phone: 602.643.2300
Fax: 602.248.0947
www.bowmanandbrooke.com

Carmen Cassler
Direct: 602.643.2326
Email: carmen.cassler@bowmanandbrooke.com

February 7, 2006

SENT VIA FACSIMILE

G. Lynn Shumway
Law Office of G. Lynn Shumway
Facsimile: 480-315-8044

Re: Karen Elliott v. Ford Motor Company, et al.

Dear Mr. Shumway:

I enclose a HIPPA compliant authorization form to obtain medical records from Brian Rizzo, M.D.

Please have your client sign the enclosed authorization and return it to our office as soon as possible.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

BOWMAN AND BROOKE LLP


Carmen Cassler
Paralegal

CCC/rccg
Enclosure

;;ODMA\PCDDCS\PHX\276202\1

MINNEAPOLIS

PHOENIX

DETROIT

SAN JOSE

LOS ANGELES

RICHMOND

EXHIBIT G

LAW OFFICE OF G. LYNN SHUMWAY

6909 East Greenway Parkway, Suite 200
Scottsdale, Arizona 85254-2172
Email: lshumway@extremezone.com

Telephone : (480) 368-0002
Telephone : (800) 421-1293
Facsimile : (480) 315-8044

April 19, 2006

Carmen C. Cassler, Paralegal
BOWMAN & BROOKE LLP
2901 N. Central Ave., #1600
Phoenix, Arizona 85012

Re: *Karen Elliott v. Ford Motor Company*

Dear Carmen:

At this time, I am returning the authorizations directed to Brian Rizzo, M.D., Arizona Ophthalmic Outpatient Surgery, John C. Lincoln Hospital - Deer Valley, Paradise Valley Hospital and State Farm Insurance. I realize the authorization for Richard Gomez, M.D. and the Form 4506-T for the Internal Revenue Service are missing. They were not returned to me with the others. I have spoken this date with Ms. Elliott about this fact, and she assures me she will return the other two to me immediately.

If you have any questions in this regard, please contact me.

Very truly yours,



Tracy Stack
Legal Assistant

/ts
Encs.